

# Holland & Knight

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April 16, 2014

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*Via E-mail: [marlo.bahrain@me.navy.mil](mailto:marlo.bahrain@me.navy.mil) and U.S. Mail*

Maritime Liaison Office (MARLO) Bahrain  
Department of the Navy  
Box 116  
Manama, Bahrain

Dear Sirs:

This is a request under the Freedom of Information Act (5 U.S.C. § 552).

We request that a copy of the following documents be provided to us:

1. Any Automatic Identification System (AIS) records which show the identity of vessels within a 20 nautical mile radius of the merchant vessel *Brillante Virtuoso* at the time *Brillante Virtuoso* initiated a distress alert (understood to be 6 July 2011 at 00:19 UTC) and for the three hours preceeding the distress alert.
2. Any still photographs taken by the USS PHILIPPINE SEA (CG 58) which involve and/or concern the reported attack on *Brillante Virtuoso* on 5 / 6 July 2011 and the response by USS PHILIPPINE SEA. In this we note, and by way of example only, the photograph identified as IMG\_0063 (2).JPG appears on the USS PHILIPPINE SEA U.S. Navy web site (see <http://www.philippine-sea.navy.mil/>). By way of particulars we request the following, (references to photographs include those taken both digitally and in any other format (including infra-red and heat sensitive means)):
  - i. All still photographs taken from USS PHILIPPINE SEA of *Brillante Virtuoso*;
  - ii. All photographs taken from the USS PHILIPPINE SEA response craft (understood to be one or more rigid hull inflatable craft) of *Brillante Virtuoso*;
  - iii. Any photographs taken from aerial assets (including helicopter(s)) attending *Brillante Virtuoso*. In further particular we request photographs showing the main deck area and the space between the accommodation block and the funnel casing;

- iv. Any photographs of Brillante Virtuoso lifeboat and crew recovery;
  - v. Any medical and/or injury photographs taken of Brillante Virtuoso's Master, officers and crew once embarked on USS PHILIPPINE SEA; and,
  - vi. Any other photographs taken of Brillante Virtuoso's Master, officers and crew once embarked on USS PHILIPPINE SEA.
- 3. Any video (or similar) footage which meets the description criteria for that set out for still photography in item 1 above.
  - 4. Any radar image from USS PHILIPPINE SEA showing the position of Brillante Virtuoso (understood to be latitude 12° 29' North and longitude 044° 44' East) at the time of the alleged attack (understood to be between the hours of 5 July 2011 20:00 hours (UTC) and 6 July 00:01 hours (UTC)).
  - 5. Any radar or other image which show sea-borne craft between the position of Brillante Virtuoso and the Yemeni coastline between the hours of 5 July 2011 22:00 hours (local time)<sup>1</sup> and 6 July 06:00 hours (local time).
  - 6. Any radar which show vessel or vessels departing the port of Aden for the period between 5 July 2011 23:00 hours (local time) and 6 July 2011 08:00 hours (local time).
  - 7. Any satellite or other image for the period between 5 July 2011 20:00 hours (local time) and 6 July 2011 08:00 hours (local time) which shows the position of Brillante Virtuoso and other maritime craft.
  - 8. Any VHF or other inter-ship communication and/or correspondence between Brillante Virtuoso and USS PHILIPPINE SEA on 6 July 2011.
  - 9. Any medical notes and/or records made following physical examination of Brillante Virtuoso's Master, officers and crew on board USS PHILIPPINE SEA.
  - 10. Any digital recording of interviews and/or statements given by Brillante Virtuoso's Master, officers and crew while on-board USS PHILIPPINE SEA.
  - 11. Any interview notes made from attendances with Brillante Virtuoso's Master, officers and crew while on-board USS PHILIPPINE SEA.
  - 12. The USS PHILIPPINE SEA boarding officer report for Brillante Virtuoso.

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<sup>1</sup> References to local time are UTC + 3 hours.

13. Any other report originated by or from USS PHILIPPINE SEA concerning Brillante Virtuoso.
14. Any statements, whether draft or signed, made by the officers and crew of USS PHILIPPINE SEA following any attendance with Brillante Virtuoso's Master, officers and crew.
15. Any statements, whether draft or signed, made by Brillante Virtuoso's Master, officers and crew in the possession of the U.S. Navy or other military agency.
16. Any crime scene investigation that relates to Brillante Virtuoso; and any subsequent forensic analysis and findings further to such crime scene investigation.
17. Any U.S. Navy correspondence in connection with the alleged attack on Brillante Virtuoso.
18. Any U.S. Navy report (including internal briefings in any format) in connection with the alleged attack on Brillante Virtuoso.
19. Any internal presentation made by the U.S. Navy in connection with the alleged attack on Brillante Virtuoso.
20. Any records which show the time third party vessels, such as salvage responders, attended alongside Brillante Virtuoso on 6 July 2011.
21. Any command logs or other equivalent records which show the response by U.S. military and other naval assets (whether U.S. military or not) to the maritime distress alerts sent by Brillante Virtuoso.
22. Any records of communications and/or correspondence between the Master of Brillante Virtuoso and USS PHILIPPINE SEAs on 7 July 2011, including those which demonstrate the Master's decision not to return to USS PHILIPPINE SEA despite prior agreement to do so.
23. The MERCURY CHAT records which concern the alleged attack on Brillante Virtuoso on 5 – 6 July 2011.
24. Any other U.S. military task force records which concern the alleged attack on Brillante Virtuoso on 5 – 6 July 2011.

In order to help you determine our status for the purpose of assessing fees, you should know that this is a commercial use request. We are willing to pay for this request up to a

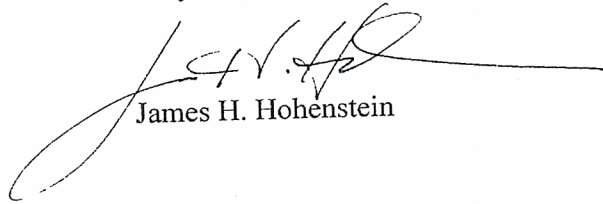
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maximum of \$1,000. If you estimate that the fee will exceed this limit, please inform the undersigned first.

If you wish to discuss any aspect of this request, please contact me at (212) 513-3213 or [jim.hohenstein@hklaw.com](mailto:jim.hohenstein@hklaw.com).

We thank you for your attention to this matter.

Very truly yours,



James H. Hohenstein

JHH:mf